

**Senate Standing Committee on Environment and Communications**  
**Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 86  
**Hearing:** Additional Estimates  
**Outcome:** Agency  
**Programme:** Clean Energy Regulator  
**Topic:** Non compliance  
**Hansard Page:** N/A  
**Question Date:** 04 March 2014  
**Question Type:** Written

**Senator Back asked:**

1. Does the CER agree that if a wind farm does not comply with the noise conditions of its planning consent it is, therefore, in breach of state law (i.e. s126 of the Planning and Environment Act 1987)?
2. Is the CER aware that under s126 of that Act: “Any person who uses or develops land in contravention of or fails to comply with a planning scheme, or a permit is guilty of an offence”?
3. Is the CER aware that where a wind energy facility fails to comply with its state planning permit the operator is committing an offence under state law?
4. Is the CER aware that in those circumstances the CER’s power to suspend accreditation to receive Large-scale Generation Certificates under s30E is triggered?
5. What legal advice, if any, have you had to the contrary?
6. Why would the CER not suspend accreditation in circumstances where the recipient of Large-scale Generation Certificates is committing an offence under state law?

**Answer:**

1. State and territory governments and regulators are responsible for determining if a wind farm is non-compliant with relevant state or territory legislation.
2. The Victorian *Planning and Environment Act 1987* is not administered by the Clean Energy Regulator.
3. It is the responsibility of the state, territory and local governments to determine whether an offence has been committed under relevant legislation.
4. Please refer to Question on Notice number 80 (Additional Estimates 2014)
5. Please refer to Question on Notice number 80 (Additional Estimates 2014)
6. Please refer to Question on Notice number 80 (Additional Estimates 2014)